UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SR-6J

REPLY TO THE ATTENTION OF:

Sent Via Electronic Mail and Certified Mail Return Receipt Requested

June 9, 2004

Mr. Douglas A. McWilliams, Esq.
Squire, Sanders, & Dempsey, L.L.P
4900 Key Tower
127 Public Square
Cleveland, OH 44114-1304

Re: Review comments for the following documents: Site Characterization Summary, Memorandum on Development and Preliminary Screening of Alternatives, Assembled Alternatives, Screening Results and Final Screening and Memorandum on Remedial Action Alternatives for Chemical Recovery Systems, Inc., Elyria Ohio.

Dear Mr. McWilliams:

Enclosed are the Agency's review comments to the above CRS documents prepared by Parsons, Revision 0, April 2004. Please feel free to contact me if further discussions are needed regarding the specific comments made to the documents.

Sincerely,

Gwendolyn Massenburg

Enclosure

cc: Larry Antonelli, Ohio EPA
Thomas Nash, ORC
Thomas Marks, Chief RRS#5
Barry Nelson, M&E

Comments Regarding The Following Documents:

- Site Characterization Summary, Chemical Recovery Systems, Inc., Elyria, Ohio, prepared by Parsons, Revision 0, April 2004
- Memorandum on Development and Preliminary Screening of Alternatives, Assembled Alternatives, Screening Results and Final Screening, Chemical Recovery Systems, Inc., Elyria, Ohio, prepared by Parsons, Revision 0, April 2004
- Memorandum on Remedial Action Alternatives, Chemical Recovery Systems, Inc., Elyria, Ohio, prepared by Parsons, Revision 0, April 2004

I. SITE CHARACTERIZATION SUMMARY

General Comments:

1. This Site Characterization Summary does not address possible free product encountered in borings GP-16, GP-30 and GP-32, which were observed by U. S. EPA's oversight personnel during soil boring installation. GP-30 seemed especially impacted, with strong, turpentine-like and bituminous odors noted from 4 feet to 12 feet bgs, and an oily sheen. Oily sheens were also noted from GP-16 and GP-32. Parsons soil boring logs mention "oily staining" in these borings, but it is not referred to in the narrative. The fact that possible free product was encountered is relevant and should be included in the Site Characterization.

2. The site figures listing detections should include the action levels, and bold the contaminants names and concentrations that exceeded the action levels in the tables throughout the document.

3. Groundwater isoconcentration maps should be included as a figure.

4. The method detection limit (MDL) for SVOCs is too high to assess the presence of SVOCs in groundwater for MW6. There was no information provided explaining why this monitoring wells' MDL for SVOCs ranged from 2000 – 10, 000 µg/L. MW6 should be re-sampled and reported at a lower MDL.

5. There is no mention in the report of completing well installation forms and submitting the forms to the Ohio Department on Natural Resources (ODNR), Division of Water. Well logs and drilling reports of all monitoring wells drilled in the state of Ohio are required to be submitted to ODNR. This information is required by Section 1521.05 of the Ohio Revised Code (ORC). The well logs and drilling reports can be sent to ODNR, Division of Water, 1939 Fountain Square Drive, Columbus, OH 43224-9971. If you have questions, the telephone number is (614) 265-6740. This task can be completed as a part of the final Remedial Investigation (RI) reporting requirements.

(312) 886-7573. Also, the required tables generated from using the RAGs – D guidance has to be specifically identified.

To get an approved ecological risk assessment, one should also use the most recent version of U.S. EPA's Ecological Risk Assessment Guidance for Superfund (E-RAGS): Process for Designing and Conducting Ecological Risk Assessments when preparing the ecological risk assessment report for the site. If you have any questions regarding preparing the ecological risk assessment using E-RAG guidance document, please feel free to contact David Brauner at (312) 886-1526, or via electronic mail: Brauner.David@epa.gov.

Specific Comments

Section 1.3, Background, Page 2 of 20, first bullet: The acceptable remediation goal for all carcinogens risk range is 1×10^{-4} to 1×10^{-6}.

Section 1.3, Background, Page 2 of 20, second bullet: The acceptable remediation goal for all noncarcinogens is to not have a HI > 1.0 for all site related contaminants through all exposure pathways, i.e. ingestion inhalation and dermal contact.

Section 2.2, Human Health Risk Assessment Summary, Page 5 of 20: The third paragraph states: "Under the current condition, the site is an industrial site. The surrounding area is also industrialized. A commercial/industrial scenario is determined as the future reasonable use of the site. Under the current condition, a site worker is regarded as the human receptor....Under the future condition, a future industrial/commercial worker and future construction workers are considered to be the human receptors."

This Human Health Risk Assessment does not take into consideration all reasonably conceivable land use scenarios or pathways. For example:

1. The draft Community Involvement Plan states that the City of Elyria may be interested in obtaining the CRS site and converting it to other uses, such as a parking lot, a mini park, or other municipal use. The Plan also mentions that there is community resistance to keeping the site use as industrial.
2. The risk assessment does not consider a juvenile trespasser as a potential human receptor. The site is located directly across the river from a residential neighborhood, and the river bank is a potential corridor for trespassers. Even assuming the site will be fenced on all sides, the river bank would still be accessible to persons, at it is not fenced.
3. Considering the juvenile trespasser scenario, groundwater seeps from the river bank slope and contaminated soils on the slopes present potentially complete pathways.

Remedial action objectives should be developed for these other future land use/receptor scenarios and pathways.

Section 2.2, Page 7 of 20, first paragraph: It is incorrect to state that, "No COCs or pathways of concern have been identified in the groundwater under the current scenario."

inhalation with COC concentrations exceeding the risk **range of 1 x10 $^{-4}$ – 1 x10 $^{-6}$**.....

Table 4: Remedial Action Objectives, Page 19 of 20 second sentence:
.....exceeding a target risk **range of 1 x10 $^{-4}$ – 1 x10 $^{-6}$**.

Table 4: Remedial Action Objectives, Page 19 of 20 (1): One cannot not use VAP cleanup standards; one has to use EPA's soil screening guidance. VAP are used if this was a State led clean-up, since it is Federal you have to use the federal guidance.

ATTACHMENT A: RCRA Corrective Measures would be applicable if this was a permitted site, in current operation. Have to use Superfund Guidance – E-RAGs, to evaluate Ecological risk.

III. MEMORANDUM ON DEVELOPMENT AND PRELIMINARY SCREENING OF ALTERNATIVES, ASSEMBLED ALTERNATIVES, SCREENING RESULTS AND FINAL SCREENING

General Comment

The fencing and capping remediation alternatives as indicated in Figure 1 do not encompass the river bank and will not protect human receptors from chemical exposures due to soil and groundwater seeps along the river bank. The capping alternatives also do not reduce the mobility or toxicity of groundwater impact and therefore do not address the discharge of dissolved phase contaminants into the storm sewer and ultimately into the river.

Comments Regarding The Following Documents:

- Site Characterization Summary, Chemical Recovery Systems, Inc., Elyria, Ohio, prepared by Parsons, Revision 0, April 2004
- Memorandum on Development and Preliminary Screening of Alternatives, Assembled Alternatives, Screening Results and Final Screening, Chemical Recovery Systems, Inc., Elyria, Ohio, prepared by Parsons, Revision 0, April 2004
- Memorandum on Remedial Action Alternatives, Chemical Recovery Systems, Inc., Elyria, Ohio, prepared by Parsons, Revision 0, April 2004

I. SITE CHARACTERIZATION SUMMARY

General Comments:

1. This Site Characterization Summary does not address possible free product encountered in borings GP-16, GP-30 and GP-32, which were observed by U. S. EPA's oversight personnel during soil boring installation. GP-30 seemed especially impacted, with strong, turpentine-like and bituminous odors noted from 4 feet to 12 feet bgs, and an oily sheen. Oily sheens were also noted from GP-16 and GP-32. Parsons soil boring logs mention "oily staining" in these borings, but it is not referred to in the narrative. The fact that possible free product was encountered is relevant and should be included in the Site Characterization.

2. The site figures listing detections should include the action levels, and bold the contaminants names and concentrations that exceeded the action levels in the tables throughout the document.

3. Groundwater isoconcentration maps should be included as a figure.

4. 4. The method detection limit (MDL) for SVOCs is too high to assess the presence of SVOCs in groundwater for MW6. There was no information provided explaining why this monitoring wells' MDL for SVOCs ranged from 2000 – 10,000 µg/L. Table 2 of the Site Characterization Summary (SCS) shows elevated detection limits for MW-06, with many parameters listed as less than the detection limit, but, Table 1 of the Remedial Action Objectives (RAO) lists actual detections and qualifiers for the same parameters. For example, chloroethane is listed in the SCS as "<2500", but on Table 1 of the RAO it is given as 0.3 J. Either provide an acceptable justification for why the discrepancy exist or MW6 must be resampled.

5. There is no mention in the report of completing well installation forms and submitting the forms to the Ohio Department on Natural Resources (ODNR), Division of Water. Well logs and drilling reports of all monitoring wells drilled in the state of Ohio are required to be submitted to ODNR. This information is required by Section 1521.05 of the Ohio Revised Code (ORC). The well logs and drilling reports can be sent to ODNR, Division of Water, 1939 Fountain Square Drive, Columbus, OH 43224-9971. If you have questions, the telephone number is (614) 265-6740. This task can be completed as a part of the final Remedial Investigation (RI) reporting

requirements.

6. There is no description, or section on monitoring well development procedures, methods, time, and duration for the five newly installed monitoring wells at the site. Well development procedures were described in Section 3.4.3 of the approved RI/FS Field Sampling Plan (FSP), and must be provided in the final document.

7. The fate of the subsurface storm sewer line investigated at the site was not in the site characteristic summary report. What are the plans for the storm sewer? The summary report states: "There were at least four perforations in the pipe and root intrusion. The pipe was in poor condition with numerous cracks and the pipe was broken and submerged for the last 30 to 35 feet."

8. A figure of the sample results for VOCs and PCBs in surface water was not provided, please provide the figure.

9. A figure of the sample results for VOCs and PCBs in sediment was not provided, please provide the figure.

Specific Comments

Section 2.0, Page 2 of 26, paragraph 2, 1st sentence: When referring to the East Branch of the Black River call it the ("River") here and throughout the document, for consistency. Some places it is referred to incorrectly as the Black River and other places it is referred to as the East Branch of the Black River.

Section 3.2.1, Page 5 of 26: The final sentence in the first paragraph should be changed to read: "These temporary monitoring wells were intended to be utilized to determine the groundwater quality in each AOC."

Table 4-2, Section 4, Page 19 of 26: The PRG listed for lead (0.0036 ug/L) is for organic (tetraethyl) lead and does not apply to elemental lead.

Section 4, Table 4-3, Page 22 of 26: The PRG listed for pentachlorophenol (180 ug/L) is not correct. It should be 0.56 ug/L.

II. MEMORANDUM ON REMEDIAL ACTION OBJECTIVES

General Comments

One can not discern if the most recent version of U.S. EPA's Risk Assessments Guidance for Superfund: Human Health Evaluation Manual (Part D, Standardized Planning, Reporting, and Review of Superfund Risk Assessments (RAGS-D)), and associated volumes was used when developing the Human Health Risk Assessment Summary. In order to get an approved risk document, RAGs –D must be followed. All risk calculations must also be provided. If you have any questions regarding preparing the human health risk assessment using the RAGs – D

document, please feel free to contact Andrew Podowski via electronic mail: Podowski.Andrew@epa.gov, or via telephone at (312) 886-7573. Also, the required tables generated from using the RAGs – D guidance has to be specifically identified.

To get an approved ecological risk assessment, one should also use the most recent version of U.S. EPA's Ecological Risk Assessment Guidance for Superfund (E-RAGS): Process for Designing and Conducting Ecological Risk Assessments when preparing the ecological risk assessment report for the site. If you have any questions regarding preparing the ecological risk assessment using E-RAG guidance document, please feel free to contact David Brauner at (312) 886-1526, or via electronic mail: Brauner.David@epa.gov.

Specific Comments

Section 1.3, Background, Page 2 of 20, first bullet: The acceptable remediation goal for all carcinogens risk range is 1×10^{-4} to 1×10^{-6}.

Section 1.3, Background, Page 2 of 20, second bullet: The acceptable remediation goal for all noncarcinogens is to not have a HI > 1.0 for all site related contaminants through all exposure pathways, i.e. ingestion inhalation and dermal contact.

Section 2.2, Human Health Risk Assessment Summary, Page 5 of 20: The third paragraph states: "Under the current condition, the site is an industrial site. The surrounding area is also industrialized. A commercial/industrial scenario is determined as the future reasonable use of the site. Under the current condition, a site worker is regarded as the human receptor....Under the future condition, a future industrial/commercial worker and future construction workers are considered to be the human receptors."

This Human Health Risk Assessment does not take into consideration all reasonably conceivable land use scenarios or pathways. For example:

1. The draft Community Involvement Plan states that the City of Elyria may be interested in obtaining the CRS site and converting it to other uses, such as a parking lot, a mini park, or other municipal use. The Plan also mentions that there is community resistance to keeping the site use as industrial.
2. The risk assessment does not consider a juvenile trespasser as a potential human receptor. The site is located directly across the river from a residential neighborhood, and the river bank is a potential corridor for trespassers. Even assuming the site will be fenced on all sides, the river bank would still be accessible to persons, at it is not fenced.
3. Considering the juvenile trespasser scenario, groundwater seeps from the river bank slope and contaminated soils on the slopes present potentially complete pathways.

Remedial action objectives should be developed for these other future land use/receptor scenarios and pathways.

Section 2.2, Page 7 of 20, first paragraph: It is incorrect to state that, "No COCs or pathways of concern have been identified in the groundwater under the current scenario." Groundwater

cannot yet be eliminated as a pathway, as discussed in the foregoing comment. Even if further assessment eliminates groundwater as a pathway of concern, it is inaccurate to state that "no COCs...have been identified in groundwater".

Section 2.4, Page 9 of 20: The second full paragraph states: "For the ecological risk assessment, groundwater was eliminated because Ohio EPA guidance...states that ecological receptors generally will not contact groundwater unless it is discharged to the surface, at which time it should be evaluated as surface water."

Groundwater at the site does discharge to the riverbank slope and surface in the form of seeps and possibly discharge from several pipes and outfalls in the bank. Groundwater also discharges from the storm sewer, which is known to be compromised. These discharges should be considered in the Ecological Risk Assessment.

Section 2.4, Page 10 of 20: "The RCRA CMS concludes that few ecological receptors are present due to the industrial nature of the habitat and that no remedial action is required to the stream sediment....It was determined that there was little to no natural terrestrial habitat on the HCC Site and that the steep rock cliff at the river bank would limit movement of animals along the river bank. The same conditions exist at the CRS Site."

The conclusion made by the referenced study that there are no ecological receptors in the area of this peninsula on the River is based on the statements (page 15 of Attachment A of the Memorandum) that "dams located on the Black River" and the "very steep rock cliff" above the river "[limits] the movement of animals along the river bank." It is not clear that these features make it impossible for ecological receptors to be present, as many animals are adapted to urban environments and challenging terrain. The fact that the PRP group's subcontractor was able to obtain soil, sediment and surface water samples during several occasions proves that the river bank is not inaccessible.

Table 1:

1. The listed maximum detection concentration for arsenic in groundwater is not the highest listed concentration on Table 2 or Figure 4-13 of the Site Characterization Summary. Please recheck the data and correct the Table, as appropriate.

Table 2: Chemical of Concern And Site – Specific Target Levels: EPA's Preliminary Remediation Goal for lead is 1000 mg/kg for an industrial setting not 1200 mg/kg as reported.

Table 4: Remedial Action Objectives, Page 19 of 20, first sentence: Prevent soil inhalation with COC concentrations exceeding the risk **range of 1 x10 $^{-4}$ – 1 x10 $^{-6}$**.....

Table 4: Remedial Action Objectives, Page 19 of 20 second sentence: .....exceeding a target risk **range of 1 x10 $^{-4}$ – 1 x10 $^{-6}$**.

Table 4: Remedial Action Objectives, Page 19 of 20 (1): One cannot not use VAP cleanup standards; one has to use EPA's soil screening guidance. VAP are used if this was a State led

cleanup, since it is Federal you have to use the federal guidance.

ATTACHMENT A: RCRA Corrective Measures would be applicable if this was a permitted site, in current operation. One has to use Superfund Guidance – E-RAGs, to evaluate Ecological risk.

III. MEMORANDUM ON DEVELOPMENT AND PRELIMINARY SCREENING OF ALTERNATIVES, ASSEMBLED ALTERNATIVES, SCREENING RESULTS AND FINAL SCREENING

General Comment

The fencing and capping remediation alternatives as indicated in Figure 1 do not encompass the river bank and will not protect human receptors from chemical exposures due to soil and groundwater seeps along the river bank. The capping alternatives also do not reduce the mobility or toxicity of groundwater impact and therefore do not address the discharge of dissolved phase contaminants into the storm sewer and ultimately into the river.

FACT SHEET ON CREDENTIALS ISSUED TO EPA EMPLOYEES
DO'S AND DON'TS

5/23/00

Source: EPA Security Manual, Physical Security Section, Volume 4850-1, dated 7/16/84

DEFINITION The 1984 Security Manual defines an EPA credential as: "An EPA credential is a pocket warrant authorized by the Administrator, Assistant Administrator, or Regional Administrator that identifies the bearer as having the authority to act in an enforcement, inspection, survey, or investigation capacity." However, the EPA's legal authority to perform the enforcement, inspection, survey, or investigation functions is based on the applicable federal environmental statutes passed by the U.S. Congress and signed by the President of the United States. **The credential evidences the proper delegation of this authority and does not provide independently the authority to undertake these activities.**

POLICY EPA credentials should be issued **only to those officers and employees who routinely need them to actively perform official enforcement, inspection, survey or investigative functions.** EPA credentials generally are not issued to non-EPA employees, but in certain situations may be issued to State or tribal personnel, contractors, or grantees. In the event that non-EPA employees are authorized by the Administrator, Regional Administrator, or Assistant Administrator to possess EPA credentials, the credentials will be issued by the Regional Office, Lab, or other organization which has responsibility for overseeing the duties of the credentialed non-EPA employee.

LANGUAGE The language on the EPA credential states:

United States of America Environmental Protection Agency
This is to Certify that (EPA Employee's Name)
Whose Signature and Photograph Appear Below is a Duly Commissioned
(blank space for insertion of title)

Each credential includes ONE of the following titles:
Inspector, Compliance Officer, Enforcement Officer,
On-Scene Coordinator, Remedial Project Manager,
Debarment Counselor or Law Judge

Authorized to Conduct Official Investigations and
Inspections Pursuant to All Federal Laws
Administered by the United States

ISSUANCE The requesting Headquarters program, media office, Regional office or Lab, should transmit a brief memorandum of justification to the Headquarters Office of Administration and Resources Management (OARM) requesting credentials to be issued to specific EPA employees. The memo should include the names, titles, organization, official duties, date of request, and the signature of requesting official. The requesting party is responsible for ensuring that the bearer has met applicable training requirements (e.g., EPA Order 3500.1). OARM (Security Management) will issue the federal credentials to the named employees after review of the information.

ACCOUNTABILITY Since credentials are issued only to assist the bearer in the performance of official duties, the credentials should be returned to OARM when the bearer leaves the position requiring the EPA credentials. The employee's office should send OARM a brief note explaining the reason the credentials are being returned (e.g., retirement, employee reassigned to a position not requiring a credential)

If the EPA credentials are lost or stolen, the bearer should promptly notify his or her immediate supervisor, in writing, and a copy should be sent to OARM. A brief report of the circumstances surrounding the loss or theft should be forwarded to the Security Management Staff along with the new request. If a new set of credentials is required, the above procedures will be followed. **Failure to promptly notify the supervisor of a lost or stolen credential could result in disciplinary action against the bearer.**

RENEWAL EPA credentials will be renewed every three (3) years by OARM. The Security Management Official will transmit a list of Regional employees whose credentials will expire to the Security Representative in each Region for review. The Security representative is responsible for ensuring that all listed personnel still have a need for the credential and applicable training is up-to-date. Once the list has been updated and returned to the HQ Security Management Official, OARM will renew the Regional credentials. All credentials are reissued on a rolling monthly basis to each Region (e.g., January for Region I, February for Region II, etc.)

Each Headquarters Office will receive a listing of employees whose credentials will expire. The Office Director is responsible for ensuring that all listed personnel still have a need for the credential and applicable training is up-to-date. OARM will renew these credentials on a first-come, first-served basis. All Headquarters credentials expire in December of the calendar year.

The Do's and Don'ts Of Using U.S. EPA Credentials

These do's and don'ts are established based on good management practices for ensuring the proper use of EPA credentials by *EPA employees*. The practical purpose of the do's and don'ts is to make EPA employees aware of the importance to safeguard credentials, and limit their use to ONLY enforcement functions.

DO'S	DON'TS
Do use for official duties described in the credentials	Do NOT use for non-enforcement government business
Do use to conduct compliance inspections	Do NOT allow anyone to hold or take possession of your credentials
Do use to conduct compliance investigations	Do NOT loan the credentials to anyone. This includes other EPA employees.
Do use when responding to environmental complaints and/or spills	Do NOT photocopy the credentials
Do use to conduct facility audits	Do NOT fail to report a lost or stolen credentials to your supervisor
Do use to verify status as an EPA official when interviewing witnesses in the field	Do NOT allow anyone else to photocopy or use the credentials
Do use as identification for entry into facilities regulated under federal environmental laws and regulations	
Do safeguard storage of credentials	
Do always immediately report if the EPA credentials is lost or stolen to your immediate supervisor	

Comparison of Total Regional Personnel to Non-Superfund EPA Credentialed Personnel
3/13/00

Region	Total Number of Regional and HQ employees *	Number of Employees with Non-Superfund EPA credentials**	Percent (%) of employees with Non-Superfund EPA credentials
I	771	86	11
II	1004	411	41
III	982	281	29
IV	1175	360	31
V	1365	379	28
VI	893	310	35
VII	601	202	34
VIII	670	226	34
IX	937	168	18
X	681	170	25
HQ	9595	245	2.6
TOTAL	***18674***	***3128***	***17***

* **Source**: EPAYS system dated 1/31/99

** **Source**: OARM Oracle database-- used to issue and track USEPA credentials. These numbers do **not** include On-Scene Coordinators (OSC's) or Remedial Project Managers. A significant number of EPA credentials are issued to these two groups.